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Attorneys for Defendants **CITY OF
TORRANCE and DAVID MAITLEN**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**LUIS GOMEZ,
MARIA GILA GOMEZ,**

Plaintiffs,

v.

**CITY OF TORRANCE, TORRANCE
POLICE DEPARTMENT, OFFICER
DAVID MAITLEN, DOES 1-20,**

Defendants.

CASE NO. CV07-00790-ODW (SHx)

JUDGMENT

This action came on regularly for trial by jury on December 8, 2009, with plaintiffs Maria Gomez and Luis Gomez appearing in person and by Conrad Herring, their attorney, and defendants David Maitlen and the City of Torrance appearing in person and by Robert D. Acciani and Della Thompson-Bell, their attorneys.

The trial was bifurcated into two phases. The first phase of the trial was to determine whether or not the defendants were entitled to assert the

JUDGMENT

1 statute of limitations as a bar to the lawsuit, or if they were equitably
 2 estopped from asserting this defense because of “fraudulent concealment” of
 3 material facts that caused the plaintiffs to forego filing a lawsuit within the
 4 statutory period. The second phase, if necessary, was to determine
 5 “liability” on the plaintiff’s wrongful death cause of action

6 The first phase of the jury trial took place over three days. It
 7 commenced on December 8, 2009; continued on December 9, 2009; and
 8 concluded on December 15, 2009.

9 After a jury of eight persons was duly impaneled and sworn;
 10 witnesses testified; exhibits admitted; a full presentation on the issues; the
 11 jury duly instructed by the court, the jury deliberated and thereon duly
 12 returned the following special verdicts on this first phase:

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 14 "Do you find by a preponderance of the evidence that any city
 15 “official” or “employee” fraudulently concealed the true facts
 16 surrounding the death of Jose Gomez with the intent to prevent the
 17 plaintiffs from filing a lawsuit within the applicable statute of
 18 limitations period?

19				
20	[David Maitlen]	Yes	No	X
21	[Richard Glass]	Yes	No	X
22	[Gina Mazzolini]	Yes	No	X
23	[Rosemary Herrera]	Yes	No	X
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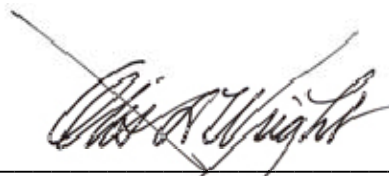
25 It appearing, by reason of the evidence received, and by reason of
 26 those special verdicts to this phase of the trial, that defendants did not
 27 fraudulently conceal facts with the intent to prevent plaintiffs from filing
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JUDGMENT

1 the instant lawsuit within the applicable statute of limitations period.
2 Further, the parties stipulated that the plaintiffs had not filed the instant
3 lawsuit within that statutory 2-year period. Therefore, the defendants are
4 entitled to assert their pled affirmative defense of statute of limitations to
5 the entirety of the within lawsuit, thereby negating the necessity for the
6 second phase of the trial.

7 IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED that
8 this lawsuit be dismissed with prejudice in its entirety; that plaintiffs take
9 nothing from defendants, and that judgment be entered for David Maitlen
10 and the City of Torrance.

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12 DATED: December 29, 2009

A handwritten signature in dark ink, appearing to read "David Maitlen", is written over a horizontal line.

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14 United States District Court Judge
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